

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19937 of 2021

Arising Out of PS. Case No.-207 Year-2019 Thana- MAHUA District- Vaishali

MUNNA BAITHA Son of Jailal Baitha Resident of Village - Jalalpur, P.S. -
Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2021 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 395, 397 and 412 of the Indian Penal Code.

Some unknown miscreants are said to have committed dacoity in the house of the informant. They assaulted the son of the informant with the butt of the pistol over his head. They looted away jewelry of about Rs. 36 lacs, Rs. 2 lacs cash and five mobile phones along with their SIM Cards.

Learned counsel for the petitioner submits that



petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that nothing has been recovered from the conscious possession of the petitioner. He submits that no TIP has been done as yet. Petitioner has been made accused in this case on the confessional statement of co-accused Md. Jafar Quraishi. He submits that several similarly situated co-accused has been granted bail by different co-ordinate Bench of this Court, whereas one co-accused has been granted bail by this Court as well. He further submits that petitioner is languishing in judicial custody since 28.09.2020.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mahua P.S. Case No. 207 of 2019, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the court if there is any change in the address of the petitioner.



(II) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bonds shall be liable to be cancelled.

(III) that the petitioner will mark his attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(V) that the petitioner will appear before the concerned P.S. once in a month till conclusion of the trial.

(Anjani Kumar Sharan, J)

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